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STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) & 1.27(c))-- SMALL BUSINESS CONCERN

Attorney Docket No. MDS-022
(6219/6)

Applicant, Patentee, or Identifier: Nordstrom et al.
Application or Patent No.: Not Yet Assigned
Filed or Issued: Herewith
Title: A Spectroscopic System Employing A Plurality Of Data Types

I hereby state that I am

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN: MediSpectra, Inc.

ADDRESS OF SMALL BUSINESS CONCERN: 45 Hartwell Avenue, Lexington, MA 02421

I hereby state that the above identified small business concern qualifies as a small business concern as defined in 37 CFR 1.9(d) and 13 CFR Part 121 for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time, or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby state that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

- ☒ the specification filed herewith with title as listed above.
☐ the application identified above.
☐ the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern, or organization having rights in the invention must file separate statements as to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

- ☒ No such person, concern, or organization having any rights in the invention exists.
☐ Each such person, concern, or organization having any rights in the invention is listed below.

Separate statements are required from each named person, concern or organization having rights to the invention stating their status as small entities. (37 CFR 1.27).

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

NAME OF PERSON SIGNING Ross Flewelling

TITLE OF PERSON IF OTHER THAN OWNER Chief Technology Officer

ADDRESS OF PERSON SIGNING 45 Hartwell Avenue, Lexington, MA 02421

SIGNATURE

Ross Flewelling

DATE

12/14/00

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"EXPRESS MAIL" Mailing

Number

EL 932952245 US

**DECLARATION AND POWER
OF ATTORNEY FOR UTILITY
OR DESIGN
PATENT APPLICATION**

☐ Declaration Submitted with Initial Filing
☒ Declaration Submitted after Initial Filing (surcharge 37 CFR 1.16(e) required)

Attorney Docket No. MDS-022
First Named Inventor Robert J. Nordstrom et al.
COMPLETE IF KNOWN
Application Serial Number 09/738,613
Filing Date December 15, 2000
Group Art Unit 2881
Examiner Name Not Yet Assigned

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

A Spectroscopic System Employing A Plurality of Data Types

(Title of the Invention)

the specification of which

☐ is attached hereto
OR

☒ was filed on
(MM/DD/YYYY)

December 15, 2000

as United States Application Serial Number or PCT International

Application Number

09/738,613

and was amended on (MM/DD/YYYY) (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose to the Patent Office all information known by me to be material to patentability as defined in 37 CFR 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet attached hereto.

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

Application Serial Number(s) 60/113,761
Filing Date (MM/DD/YYYY) 12/23/98

☐ Additional provisional application serial numbers are listed on a supplemental priority data sheet attached hereto.

DECLARATION - Utility or Design Patent Application

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c), of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application or PCT Parent Serial Number	Parent Filing Date (MM/DD/YYYY)	Parent Patent Number (if applicable)
09/470,071	12/22/99	

☐ Additional U.S. or PCT international application numbers are listed on a supplemental priority data sheet attached hereto.

As a named inventor, I hereby appoint the following registered practitioners to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: ☐ Customer Number →

Place Customer
Number Bar Code
Label Here

OR
☒ Registered practitioner(s) name/registration number listed below

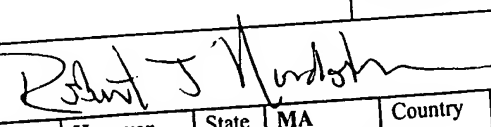
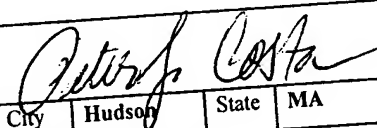
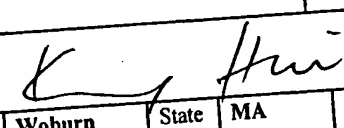
Name	Registration Number	Name	Registration Number
Michael J. Bastian	P-47,411	Kurt W. Lockwood	40,704
Steven M. Bauer	31,481	Thomas C. Meyers	36,989
Elias C. Behrakis	P-47,416	Joseph B. Milstein	42,897
John V. Bianco	36,748	David G. Miranda	42,898
Isabelle A.S. Blundell	43,321	Ronda P. Moore	44,244
Maureen A. Bresnahan	44,559	Indranil Mukerji	P-46,944
Michael H. Brodowski	41,640	Edmund R. Pitcher	27,829
Jennifer A. Camacho	43,526	Michael A. Rodriguez	41,274
Joseph A. Capraro, Jr.	36,471	Jamie H. Rose	45,054
John J. Cotter	38,116	R. Stephen Rosenholm	45,283
John V. Forcier	42,545	Christopher W. Stamos	35,370
Steven J. Frank	33,497	Diana M. Steel	43,153
Kia L. Freeman	P-47,577	Joseph P. Sullivan	45,349
Brian M. Gaff	44,691	Robert J. Tosti	35,393
Michael J. Giannetta	42,574	Thomas A. Turano	35,722
Duncan A. Greenhalgh	38,678	Christine C. Vito	39,061
William G. Guerin	41,047	Patrick R.H. Waller	41,418
Jonathan A. Harris	44,744	Daniel A. Wilson	45,508
Ira V. Heffan	41,059	Gerald E. Worth	45,238
Danielle L. Herritt	43,670	Yin P. Zhang	44,372
Douglas J. Kline	35,574		
John D. Lanza	40,060		

☐ Additional registered practitioners named on supplemental Registered Practitioner Information sheet attached hereto.

Direct all correspondence to:

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Testa, Hurwitz & Thibault, LLP
High Street Tower
125 High Street
Boston, MA 02110
Tel. No.: (617) 248-7000
Fax No.: (617) 248-7100

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor:		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name (first and middle [if any])				Family Name or Surname			
Robert J.				Nordstrom			
Inventor's Signature				Date		3/16/01	
Residence		City	Hanover	State	MA	Country	USA
Mailing Address		182 OldeForge Road					
Mailing Address (In. 2)		City	Hanover	State	MA	ZIP	02339
				Country	USA		
<input type="checkbox"/> Additional inventors are being named on the _____ supplemental Additional Inventor(s) sheet(s) attached hereto.							
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name (first and middle [if any])				Family Name or Surname			
Peter J.				Costa			
Inventor's Signature				Date		3/16/01	
Residence		City	Hudson	State	MA	Country	USA
Mailing Address		Five Wellington Drive					
Mailing Address (In. 2)		City	Hudson	State	MA	ZIP	01749
				Country	USA		
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name (first and middle [if any])				Family Name or Surname			
Kwong				Hui			
Inventor's Signature				Date		3/16/01	
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Mailing Address (In. 2)		City	Woburn	State	MA	ZIP	01801
				Country	USA		

**DECLARATION AND
POWER OF ATTORNEY FOR UTILITY
OR DESIGN PATENT APPLICATION**

ADDITIONAL INVENTOR(S)
Supplemental Sheet
Page 4 of 4

Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor						
Given Name (first and middle [if any])		Family Name or Surname						
Ross		Flewelling						
Inventor's Signature	<i>Ross Flewelling</i>				Date	3/16/01		
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Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor						
Given Name (first and middle [if any])		Family Name or Surname						
Howard		Kaufman						
Inventor's Signature	<i>Howard Kaufman</i>				Date	3/16/01		
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